

REMARKS

Applicant has carefully considered the matters raised by the Examiner in the outstanding Office Action but remains of the position that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the enclosed Declaration and the following remarks.

The present invention is directed to a one-part photographic developing concentrate that exhibits reduced variation in oxidation-reduction potential and reduced variation in gamma balance. In one of the novel aspects of the invention, the developing concentrate contains a compound of Formulas (A-I) to (A-IV). In yet another novel aspect of the invention, the developing concentrate contains both sodium ions and potassium ions.

Claims 1-2, 4 and 9-11 had been rejected as being unpatentable over Tappe. Example 4 of Tappe had been cited to teach a developing concentrate having a CD-3 color developing agent, a water-soluble organic solvent, cations and anions within the claimed range, and a compound of Formulas (A-I) to (A-IV). The Examiner had stated that

EDTA disclosed in Example 4 of Tappe is a homologue of the compounds of Formulas A-II-3 and A-II-9 of the invention.

Applicants submit that the claimed invention is patentable over Tappe because:

- (1) the structure of compounds (A-I) to (A-IV) are different than EDTA and produce superior results compared to EDTA; and
- (2) Tappe does not teach or suggest the presence of both sodium and potassium ions in the developer.

EDTA is not a homologue of compounds A-II-3 and A-II-9 of the invention. Furthermore, EDTA is not a homologue of any of the compounds of Formulas (A-I) to (A-IV) of the invention. Applicants have enclosed a Declaration of Mr. Satake (April 2004 Declaration) in order to demonstrate that the present invention as recited in claim 1, containing a compound of Formulas (A-1) to (A-IV), provides a superior developing concentrate compared to the developing concentrate of Example 4 of Tappe, containing EDTA.

Mr. Satake prepared 6 developing concentrates. Example 4 of Tappe was prepared in accordance with col. 5, lines 51-65 of Tappe. Examples 4B, 4C, 4D, 4E and 4F were prepared by replacing EDTA of Example 4 of Tappe with an equimolar amount of compound A-II-3, compound A-II-9, compound A-I-1, compound A-III-1 and DTPA of the present invention. DTPA (diethylenetriamine pentaacetic acid) is representative of Formula (A-IV) of the invention (see page 30, line 7). Thus, Mr. Satake replaced EDTA of Example 4 of Tappe with the alleged homologues of EDTA (A-II-3 and A-II-9), as well as a compound of Formulas (A-I), (A-III) and (A-IV) in order to support the entire group of compounds of claim 1.

Mr. Satake evaluated Examples 4, 4B, 4C, 4D, 4E and 4F for variation in oxidation-reduction potential and variation in gamma balance. The results of these evaluations are illustrated in Table 1 of the April 2004 Declaration.

Table 1 of the April 2004 Declaration demonstrates that Examples 4B, 4C, 4D, 4E and 4F, containing a compound of Formulas (A-I) to (A-IV) as recited in claim 1 of the invention, are superior to Example 4 of Tappe, containing EDTA.

Example 4 of Tappe exhibits a variation in oxidation-reduction potential of 9.0. Examples 4B, 4C, 4D, 4E and 4F, prepared according to the present invention, exhibit variations in oxidation-reduction potential of between 5.5 and 6.5, approximately 30% less than Example 4 of Tappe. Similarly, Example 4 of Tappe exhibits a variation in gamma balance of 9.4. Examples 4B, 4C, 4D, 4E and 4F exhibit variations in gamma balance of between 5.3 and 6.0, approximately 40% less than Example 4 of Tappe. Thus, Table 1 demonstrates the superiority of the present invention compared to Example 4 of Tappe.

Applicants note that Mr. Satake replaced EDTA with compound A-II-3 and compound A-II-9 of the present invention in accordance with paragraph III of the outstanding Office Action. Thus, it is submitted that Table 1 of the April 2004 Declaration adequately

demonstrates the superior effects of the present invention as recited in claim 1.

Claim 9 recites that the developer contains both sodium ions and potassium ions. Tappe does not teach the presence of both sodium ions and potassium ions.

Applicants had previously submitted the January 2004 Declaration of Mr. Satake in order to demonstrate that Tappe does not meet the limitations of claim 9. Specifically, Examples 1-10 of Tappe do not contain sodium and potassium ions as recited in claim 9. This fact has been reaffirmed in the April 2004 Declaration (see paragraph 3).

Applicants therefore submit that the April 2004 Declaration demonstrates that Tappe does not teach or suggest the limitations of the claims.

Finally, the Examiner had noted in paragraph IV(2) of the Office Action that claim 1 is not limited to 50 °C and 3 months storage as tested. Applicants, however, have not amended claim 1 to include these conditions.

Claim 1 does not recite a specific variation in oxidation-reduction potential or a specific variation in gamma balance. Applicants have merely chosen two of the many properties in order to evidence the superiority of the present invention compared to Tappe. Respectfully, there is no need for such limitations.

In view of the foregoing and the enclosed, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested. Should any extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account # 02-2275.

Respectfully submitted,

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Encl: Executed Declaration of Mr. Wataru Satake  
Return receipt postcard